IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 3RD NOVEMBER 2006 / 12TH KARTHIKA 1928

Bail Appl..No. 6429 of 2006()

CRIME NO.41/1995 OF CENTRAL POLICE STATION, ERNAKULAM
C.P.NO.31/2003 OF JUDICIAL MAGISTRATE OF THE FIRST CLASS-II, ERNAKULAM

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PETITIONER/ACCUSED NO.1

JOSE, VELIYAVELICHATHE VEETTIL,
MANJOOR VILLAGE,
MANMATTOM, KURUPPANTHARA DESOM,
VAIKOM TALUK,
KOTTAYAM DISTRICT

BY ADV. SRI.C.C.THOMAS

RESPONDENTS:

STATE OF KERALA REPRESENTED BY CIRCLE INSPECTOR OF POLICE,
CENTRAL POLICE STATION, ERNAKULAM
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR, SRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 6429 of 2006

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Dated this the 3rd day of November, 2006

O R D E R

The petitioner is the first accused in Crime No.41/1995 of Central Police Station, Ernakulam, which is pending as C.P.No.31/2003 on the file of Judicial Magistrate of the First Class-II, Ernakulam. The offence alleged against the petitioner and two others are under Section 489 B & C I.P.C, read with Section 34 of the Indian Penal Code. The petitioner was absconding and, therefore, non-bailable warrant had been issued against him.

2. I heard the arguments advanced by both sides.

3. It is submitted by the counsel for the petitioner that he was involved in this case, in the year 1995. Thereafter, he married a nurse and went to U.K. He was residing there. He was granted bail, as per the order of this Court, on 15/02/1995. He was only directed to appear before the Investigating Officer as and when required. No communication was received either from the Investigating Officer, or from the court. That is the

reason why he left to U.K. The counsel further submits that the petitioner has now returned to India, and he is prepared to undergo the process of trial, before the court below.

4. The facts show that he was found in illegal possession of 4 counterfeit currency notes of 100 rupees denomination. He was arrested and released on bail, as stated above. The counsel brought the instances wherein the petitioner was not issued with a communication, till he left India. It is also further submitted that there was no restriction in leaving the State of Kerala or the Country.

5. Considering the materials that are available on record, as well as the submissions made by the prosecution, I dispose of the application with the following directions:-

i. The petitioner shall surrender before Judicial Magistrate of the First Class-II, Ernakulam, on 13/11/2006 at 11 a.m.

ii. The learned Magistrate, shall allow the petitioner to be on bail, on his executing a bond for Rs.50,000/- with two

solvent sureties, each for the like sum, to the satisfaction of the court below.

iii. The petitioner shall also remit an amount of Rs.1,00,000/- before the court below, on the date of execution of the bail bond.

iv. The petitioner shall produce a notarised copy of all pages of his passport before the court below.

v. The petitioner shall be available before the trial court as and when his presence is required.

(J.M.JAMES)
Judge

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